

CHARGE: 501(c)—when shipped and while held for sale, the strength of the article differed from that which it purported to possess; and 502(a)—the label statement "3-Nitro-4-Hydroxyphenylarsonic Acid 0.0025 Percent" was false and misleading.

DISPOSITION: 1-31-62. Default—delivered to a public institution for use as animal feed.

7038. Medicated chick starter premix. (F.D.C. No. 46421. S. No. 85-616 R.)

QUANTITY: 8 100-lb. drums at Caldwell, Kans.

SHIPPED: 5-5-61 and 6-6-61, from Indianapolis, Ind., by Specifide, Inc.

LABEL IN PART: "Specifide Dyna-Ferm CS (Chick Starter Premix); Active Drug Ingredients: Arsanilic Acid 1.98% Procaine Penicillin 0.30 gms/lb; * * * Specifide, Inc. * * * Indpl. Indiana * * * Des Moines, Iowa * * * Mixing Directions * * * Warning."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately .03 gram of procaine penicillin per pound, or 9.7 percent of the declared amount.

LIBELED: 9-15-61, Dist. Kans.

CHARGE: 501(c)—when shipped, the strength of the article differed from that which it purported to possess; and 502(a)—the label statement "Procaine Penicillin 0.30 gms/lb" was false and misleading as applied to the article which contained less than the declared amount of procaine penicillin.

DISPOSITION: 4-10-62. Consent—claimed by Specifide, Inc., and destroyed.

7039. Medicated feed. (F.D.C. No. 46884. S. No. 35-555 T.)

QUANTITY: 27 5-lb. ctns. at St. Paul, Minn.

SHIPPED: 5-16-60, from Cedar Rapids, Iowa.

LABEL IN PART: "Improved Ovotone No. 20 * * * Active Ingredients: Phenothiazine 45% Powered Tobacco 5%."

RESULTS OF INVESTIGATION: Analysis showed that the article contained about 77 percent of the declared amount of phenothiazine.

LIBELED: 1-13-62, Dist. Minn.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it purported to possess.

DISPOSITION: 3-2-62. Default—destruction.

7040. Medicated feed. (F.D.C. No. 46849. S. No. 15-319 T.)

QUANTITY: 96 100-lb. bags at Louisville, Ky.

SHIPPED: 6-22-61 and 6-29-61, from Reading, Ohio, by Cooperative Mills, Inc.

LABEL IN PART: (Bag) "100 Lbs. Net 49 * * * Cooperative Mills, Inc." and (tag) "Net Weight 100 Lbs. Xtr. Aid Medicated * * * Active Drug Ingredients * * * 3-Nitro-4-Hydroxyphenyl-Arsonic Acid 0.005% Furazolidine 0.005%."

LIBELED: 12-13-61, W. Dist. Ky.

CHARGE: 501(c)—when shipped, the strength of the article differed from that which it purported to possess; and 502(a)—the label statement "3-Nitro-4-Hydroxyphenyl-Arsonic Acid 0.005% Furazolidine 0.005%" was false and misleading as applied to an article containing less than the declared amounts of these ingredients.

DISPOSITION: 2-13-62. Consent—delivered to a public institution for use as animal feed.

7041. Medicated swine concentrate. (F.D.C. No. 46802. S. No. 28-215 T.)

QUANTITY: 42 3½-lb. cans at Abilene, Kans.

SHIPPED: On or about June 1960, from Des Moines, Iowa.

LABEL IN PART: "Medicated Swine Concentrate Dihydrostreptomycin-Penicillin-Vitamins * * * Dihydrostreptomycin base (as sulfate) 3 grams per pound."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than the declared amount of dihydrostreptomycin.

LIBELED: 12-22-61, Dist. Kans.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it purported to possess.

DISPOSITION: 2-7-62. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS AND DEVICES FOR HUMAN USE*

7042. Imitation drugs. (F.D.C. No. 46376. S. Nos. 1-549/55 T.)

INFORMATION FILED: 9-1-61, N. Dist. Ga., against McKinney's Apothecary, a partnership, Decatur, Ga., and William W. McKinney and John Lewis Pledger, partners.

ALLEGED VIOLATION: Between November 1957 and 3-30-61, while quantities of imitation tablets of *Diuril*, *Dexedrine Sulfate* and *Dexamyl* were being held for sale after shipment in interstate commerce, the defendants caused such tablets to be repacked into bottles, which act resulted in such tablets being misbranded.

CHARGE: 502(a)—while held for sale, the label statements on the repack bottles "Tablets Diuril," "Dexedrine," and "Dexamyl" were false and misleading as applied to drugs which consisted of imitations of *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*; 502(i) (2)—the articles were imitations of other drugs, namely, *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*; 502(i) (3)—the articles were offered for sale under the names of other drugs, namely, *Diuril*, *Dexedrine Sulfate*, and *Dexamyl*.

DISPOSITION: 11-8-61. Partnership—\$3,000 fine. Each partner—sentences of 1 year in prison suspended and probation for 3 years.

7043. Herbs. (F.D.C. No. 46207. S. Nos. 20-533/43 R.)

QUANTITY: 5 6-oz. pkgs. and 7 3-oz. boxes of *laxative herbs*; 1 15-lb. container and 3 6-oz. pkgs. of *Herbs No. 7*; 1 10-lb. container, 3 3-oz. pkgs., and 2 6-oz. pkgs. of *Herbs No. 28*; 1 10-lb. container, 4 3-oz. pkgs., and 5 6-oz. pkgs. of *Herbs No. 26*; 1 15-lb. container, 1 3-oz. pkg., and 4 6-oz. pkgs. of *Herbs No. 27*; 50 lbs. of anise seed; 50 lbs. of catnip; 100 lbs. of fennel seed; 2 75-lb. drums of peppermint leaves; 1 50-lb. drum of cascara; 1 35-lb. drum of cheeseplant; 50 lbs. of red clover tops; 100 lbs. of licorice root; 30 lbs. of American licorice; 15 lbs. of juniper berries; 75 lbs. of berberis root;

*See also Nos. 7004, 7007-7010, 7013, 7014, 7020, 7022, 7024-7029, 7032-7036.